

DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Eureka Branch Office
1105 6th Street, Suite C
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(707) 445-7229



Hours: 8:00 a.m. to 12:00 noon
Monday - Friday

Dear Club/Veterans Club Licensee:

Due to the constant change in leadership of clubs, V.F.W. and American Legion Posts, inadvertent violations of law sometimes occur due to a lack of understanding.

The following responses relate to questions most often asked by club and veterans club licensees. We hope that this information will assist your club.

1. **Sales to non-members who are not bona fide guests constitute a major problem. A bona fide guest is one of the following:**
 - A. A person previously invited and accompanied by a member.
 - B. A person not accompanied by a member but who holds a written invitation signed by a member extending the hospitality, facilities, and services of the club for a Specified short period of time
 - C. A member of one unit of a multi-unit club organization who is visiting another unit of the same organization and whose membership card states thereon that such member is entitled to guest privileges at all other units of the organization.

There is no requirement that guests sign in, but many clubs establish this rule for control purposes. The mere signing of a "guest book" or being "sponsored" by a club member after a non-member has entered the club room will not qualify the person as a bona fide guest.

2. **The privileges of your license DO NOT permit sales to any other groups of people unless the club also holds a club caterer's permit and has obtained an authorization for the particular event.** Clubs located in rural areas may have occasional functions open to the general public with prior approval. It may be possible for other arrangements to be made for groups that rent or use a portion of the building, but these details must be worked out in advance with the local A.B.C. Office.

3. Special daily licenses may be obtained on a temporary basis under several situations, but again, the details must be worked out in advance with the local A.B.C. Office.
4. A disorderly club is one which is maintained and causes a disturbance of the neighborhood or which is injurious to the public morals, health, convenience or safety. Violators are subject to a revocation of the license.
5. A customer is considered obviously intoxicated when an average person can plainly see that the patron is intoxicated. The usual tests are staggering, alcoholic breath, bloodshot, watery eyes, slurred speech, poor muscular coordination, etc. The person who sells to an obviously intoxicated patron is subject to criminal arrest, and the club faces a suspension of the license.
6. Alcoholic beverages may be sold and consumed from 6:00 a.m. until 2:00 a.m. every day unless the license has been conditioned to lesser operating hours.
- ~~7. Club Licenses **DO NOT** authorize alcoholic beverages to be sold for consumption off the premises, i.e., no sales "to go."~~

Department Investigators and local peace officers have the right to visit and inspect licensed premises without a search warrant.

The Department will take disciplinary action against licensees who permit illegal gambling on their premises. If you have questions as to what constitutes legal gambling, please call your local A.B.C. Office or your local police department, sheriff's office, or district attorney's office.

If I can be of assistance, please do not hesitate to call me.

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RESEARCH REFERENCES AND PRACTICE AIDS**Cross References:**

Similar provisions: Rev & Tax C §§ 17269, 24343.2.

Treatises:

Cal. Forms Pleading & Practice (Matthew Bender) ch 116 "Civil Rights: Discrimination In Business Establishments".

Cal. Legal Forms, (Matthew Bender) §§ 13.12, 13B.111, 18.01[2], 18.200[1].

8 Witkin Summary (10th ed) Constitutional Law § 897.

ARTICLE 5**Veterans' Club Licenses****HISTORY:**

Added Stats 1953 ch 152 § 1.

§ 23450. "Veterans"

As used in this article, "veteran" means any person who has served in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or as an active nurse in the service of the American Red Cross, or in the Army and Navy Nurse Corps in time of war, or in any expedition of the Armed Forces of the United States, or who served in one of these services during the period September 16, 1940, to December 7, 1941, and received a discharge under conditions other than dishonorable.

HISTORY:

Added Stats 1953 ch 152 § 1. Amended Stats 2013 ch 337 § 2 (SB 818), effective January 1, 2014.

Historical Derivation:

Stats 1935 ch 330 § 6.1, as added Stats 1st Ex Sess 1946 ch 119 § 1.

Amendments:

2013 Amendment: (1) Added "Air Force,"; (2) substituted "Coast Guard" for "Revenue Marine Service"; (3) substituted "Armed Forces" for "armed forces"; and (4) substituted "these services" for "such services".

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References:**

"Veteran": Mil & Vet C §§ 890, 920, 940, 980, 1010.

Treatises:

Cal. Legal Forms, (Matthew Bender) §§ 13.12, 18.01[2], 18.200[1].

§ 23451. What constitutes club

Any post, chapter, camp, or other local unit, composed solely of veterans, of an organization composed solely of veterans which has been chartered by the Congress of the United States for patriotic, fraternal, or benevolent purposes, and which post, chapter, camp, or other local unit has, as the owner, lessee, or occupant thereof, operated

an establishment for any such purpose for not less than one year, is a bona fide club within the meaning of Section 22 of Article XX of the Constitution and of this division

HISTORY:

Added Stats 1953 ch 152 § 1.

Historical Derivation:

Stats 1935 ch 330 § 6.1, as added Stats 1st Ex Sess 1946 ch 119 § 1.

ATTORNEY GENERAL'S OPINIONS

Eligibility for veterans' club license of Forty and Eight society. 9 Ops. Cal. Atty. Gen. 91.

RESEARCH REFERENCES AND PRACTICE AIDS**Treatises:**

Cal. Legal Forms, (Matthew Bender) §§ 13.12, 18.01[2], 18.200[1].

§ 23452. Issuance of license to local unit

The department may issue one veterans' club license to any post, chapter, camp or other local unit described in Section 23451 for the establishment, if otherwise satisfactory, where the post, chapter, camp, or other local unit maintains its club.

HISTORY:

Added Stats 1953 ch 152 § 1. Amended Stats 1955 ch 447 § 42, effective June 23, 1955.

Historical Derivation:

Stats 1935 ch 330 § 6.1, as added Stats 1st Ex Sess 1946 ch 119 § 1.

Amendments:

1955 Amendment: (1) Substituted "The department" for "The board"; and (2) deleted the former second sentence which read: "The fee for a veterans' club license shall be in such amount as is set by the board, not to exceed the fee for an on-sale general license in the locality where the club is maintained."

ATTORNEY GENERAL'S OPINIONS

Veterans' memorial hall as an establishment. 14 Ops. Cal. Atty. Gen. 212.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References:**

Types of licenses and annual fees therefor: B & P C § 23320.

Treatises:

Cal. Legal Forms, (Matthew Bender) §§ 13.12, 18.01[2], 18.200[1].

§ 23452.5. Issuance of license to memorial association

The department may also issue one veterans' club license to any veterans' memorial association

which is a nonprofit private corporation organized for patriotic, fraternal, or benevolent purposes, composed solely of veterans, and which has more than 18,000 bona fide regular members, and which owns, leases, maintains, or operates a clubhouse and has continuously operated a clubhouse for not less than three years.

HISTORY:

Added Stats 1957 ch 597 § 1.

RESEARCH REFERENCES AND PRACTICE AIDS**Treatises:**

Cal. Legal Forms, (Matthew Bender) §§ 13.12, 18.01[2], 18.200[1].

§ 23453. Rights and privileges; Transferability

(a) The holder of a veterans' club license may exercise all of the rights and privileges permitted by an on-sale general license but may sell and serve alcoholic beverages for consumption within the licensed establishment only to bona fide members of the veterans' organization and their bona fide guests, bona fide members of other veterans' organizations, active duty or reserve members of the Armed Forces, or veterans as defined in Section 18540.4 of the Government Code.

(b) A veterans' club license is not transferable to another person from the person to whom issued or by whom renewed. The provisions of Article 2 (commencing with Section 23815) of Chapter 5 do not apply to the issuance of veterans' club licenses.

(c) A bona fide member of a veterans' organization, bona fide guest, active duty or reserve member of the Armed Forces, or veteran is not required to sign in to a roster before purchasing or being served alcoholic beverages for consumption.

HISTORY:

Added Stats 1953 ch 152 § 1. Amended Stats 2015 ch 423 § 1 (SB 685), effective January 1, 2016.

Editor's Notes—Article 2, of Chapter 5 of this division, commences with B & P C § 23815.

Historical Derivation:

Stats 1935 ch 330 § 6.1, as added Stats 1st Ex Sess 1946 ch 119 § 1.

Amendments:

2015 Amendment: (1) Added subdivisions (a) and (b); (2) added " bona fide members of other veterans' organizations, active duty or reserve members of the Armed Forces, or veterans as defined in Section 18540.4 of the Government Code" in subd (a); (3) substituted "(commencing with Section 23815) of Chapter 5" for "of Chapter 5 of this division" in the second sentence of subd (b); and (4) added subd (c).

Note—Stats 2015 ch 423 provides:

SEC. 2. It is the intent of the Legislature in enacting this act to expand the rights of a holder of a veterans' club license to sell and serve alcoholic beverages.

RESEARCH REFERENCES AND PRACTICE AIDS**Cross References:**

Rights and obligations of licensees: B & P C §§ 23355 et seq.
Time within which accusations against licensees for violating section to be filed: B & P C §§ 24207, 24208.

Treatises:

Cal. Legal Forms, (Matthew Bender) §§ 13.12, 18.01[2], 18.200[1].

§ 23454. Compensation of officers and members prohibited

No member and no officer, agent, or employee of a veterans' club licensee shall be paid or shall directly or indirectly receive, in the form of salary or other compensation, any of the profits from the distribution or sale of alcoholic beverages to the licensee or to the members of the licensee or its guests, beyond the amount of such salary as may be fixed and voted at any regular meeting by the members of the licensee or by its governing body out of the general revenue of the local unit.

HISTORY:

Added Stats 1953 ch 152 § 1.

Historical Derivation:

Stats 1935 ch 330 § 6.1, as added Stats 1st Ex Sess 1946 ch 119 § 1.

RESEARCH REFERENCES AND PRACTICE AIDS**Treatises:**

Cal. Legal Forms, (Matthew Bender) §§ 13.12, 18.01[2], 18.200[1].

§ 23455. Revocation of license

The department may revoke any license issued pursuant to this article whenever, in the judgment of the department, the licensee ceases to operate as a bona fide club.

HISTORY:

Added Stats 1953 ch 152 § 1. Amended Stats 1955 ch 447 § 43.

Historical Derivation:

Stats 1935 ch 330 § 6.1, as added Stats 1st Ex Sess 1946 ch 119 § 1.

Amendments:

1955 Amendment: Substituted "department" for "board" whenever it appears.